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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,647	12/22/2000	Aman Gupta	GEMS8081.055	4528
27061	7590	01/09/2009	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (GEMS)			GORT, ELAINE L	
136 S WISCONSIN ST			ART UNIT	PAPER NUMBER
PORT WASHINGTON, WI 53074			3687	
NOTIFICATION DATE		DELIVERY MODE		
01/09/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte: AMAN GUPTA, AMIT MAHESHWARI  
AND JAMES YENERICH*

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Application No. 09/747,647  
Technology Center 3600

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Mailed: January 8, 2009

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Before TOI JOHNSON *Review Paralegal*  
JOHNSON, *Review Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on May 28, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the

application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**EXAMINER'S ANSWER, GROUNDS OF REJECTION**

A review of the file indicates that the Examiner's Answer filed July 19, 2007 does not comply with the guidelines provided in MPEP § 1207.02 because it refers, either directly or indirectly, to a prior Office action *without fully restating the point relied upon in the answer*. If there is a complete and thorough development of the issues in a prior action, the examiner may copy any referenced prior rejection(s) from the prior Office action into the examiner's answer. The examiner is reminded to reevaluate his or her prior position in light of the arguments presented in the brief, and should expressly withdraw any rejections not adhered to in the "Grounds of Rejection Withdrawn" section of the examiner's answer.

Therefore, a substitute examiner's answer which fully restates any prior points relied upon in the answer, is required. *See also Manual of Patent Examining Procedure (MPEP) § 1207.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007)* for details.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) vacate the Examiner's Answer mailed July 19, 2007;

- 2) generate a new Examiner's Answer which does not refer directly or indirectly to a prior Office action without fully restating the point relied on in the answer; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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